

State Historical Society of North Dakota

Historic Preservation Fund
Development Grant Program

Application Guidelines

2007

HISTORIC PRESERVATION FUND DEVELOPMENT GRANT PROGRAM APPLICATION GUIDELINES

ADMINISTERED BY THE STATE HISTORICAL SOCIETY OF NORTH DAKOTA

Annually, the State Historical Society of North Dakota receives federal funds for the identification, evaluation, and preservation of cultural resources. As part of this annual appropriation of federal funds, the Society is obligating \$80,000 toward preservation, restoration, and rehabilitation (development) projects for National Register-listed properties.

Interested owners of National Register-listed properties who have a project they wish to be considered for an award should thoroughly read these guidelines and submit an application to the State Historical Society of North Dakota (SHSND) before **August 3, 2007**. The completed application must be **accepted** (not postmarked) at the SHSND by 5 p.m. on Friday, August 3, 2007

Only properties listed in the **NATIONAL REGISTER OF HISTORIC PLACES** are eligible for a Historic Preservation Fund Grant. The property must have maintained its historic integrity to be considered for these funds.

To view a list of North Dakota properties that are on the National Register of Historic Places, visit the National Parks' National Register Information System at: <http://www.nr.nps.gov/> Choose "Location" and then "State and County" and follow the instructions. The names of listed historic districts can be found here, but this computer list does not include contributing properties within a National Register-listed historic district, which are also eligible for this grant. To confirm your property's status within a listed historic district, please contact the State Historical Society's Historic Preservation division at 328-2672. Please have the name of the district and your property's address at hand.

AMOUNT OF AWARDS

Qualified persons may apply for a grant of any amount up to and including \$25,000.

A nonfederal cash match of at least 50% is required. Grant funds can only be used for a maximum of 50% of the total project cost, 20% on a tax-credit eligible project (see Who Qualifies section for more information). The total project cost includes the grant funds and your cash match. For example: a cedar roof may cost \$50,000. You may apply for and be awarded \$25,000 in grant funds. The remaining balance of \$25,000 is your responsibility.

WHO QUALIFIES

All owners* of North Dakota property that is listed on the National Register of Historic Places.

This includes:

- Private citizens

- Nonprofit organizations

- Educational institutions

- Federally-recognized Indian Tribes

- For-profit firms and organizations

Applications from for-profit firms will be accepted for HPF grants on projects with a total budget no greater than \$125,000 and may only apply for up to 20% of the total project cost. Those with total budgets greater than \$125,000 will be referred to the Federal Historic Preservation Tax Incentive Program.

- Governmental Entities

- Owners of land on which there is a National Registered archeological site

- Owners of contributing property within a National Register Listed District

* see exceptions under "Who doesn't qualify" section.

WHO DOESN'T QUALIFY

- Owners of religious property**

- Religious organizations**

- For-profit firms and organizations

Applications from for-profit firms will be accepted for HPF grants on projects with a total budget no greater than \$125,000 and may only apply for up to 20% of the total project cost. Those with total budgets greater than \$125,000 will be referred to the Federal Historic Preservation Tax Incentive Program.

- Owners who objected to the National Register listing of their property

- Owners whose mortgage holders will not agree to sign the contract

- Owners of the National Register property only but not of the land the property is on, UNLESS the land owner agrees to sign the contract as well

- Owners of property that is at risk of being moved

- Owners of property that was on the National Register, but whose property has lost enough historical integrity that it is no longer eligible for listing.

- Restoration projects that have been started or completed prior the awarding of the grant

**These properties may qualify for pre-development funds which include funding pre-construction plans and drawings.

WHAT QUALIFIES

The following types of development are eligible for grant funding:

Preservation/ Restoration

The process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property, including preliminary measures to protect and stabilize the property. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. **This category also includes restoration of property to a specific, significant point in its history.**

Rehabilitation

The process of repairing or altering a property to make efficient contemporary use of it while sensitively preserving the features of the property, which are significant to its historical, architectural, and cultural values.

Pre-development

The historical, architectural, and/or archeological research necessary to properly and adequately document both the historic significance and the existing physical condition of the materials and features of a property or site. Pre-development work must be performed to insure historically appropriate development work.

Routine maintenance is not an allowable expense. All work must be approved in advance by the Society. Work must comply with state statutes regarding construction, local building codes, and the Secretary of Interior's Standards for Treatment of Historic Properties as well as federal safety regulations. See Attachment 5 or visit: http://www.cr.nps.gov/hps/tps/common_language_article.htm for more information on the Secretary's standards.

Please see Attachment 8 for examples of funded projects.

MATCH

Historic Preservation Fund Grants require a minimum 50/50 cash match. The match cannot be from another source of federal funds.

Exceptions to this are Community Development Block Grants; however, other restrictions may apply. Please check with the Grants & Contracts Officer if planned match will be from a federal source.

HOW TO APPLY

Five complete copies of the application, including photos, must be received at the SHSND by 5 pm on Friday, August 3, 2007. Application cannot be submitted electronically. Incomplete or late applications will not be considered. A complete application will have 6 sections. Applications,

including photos, will not be returned to the applicant.

The required sections are as follows:

1. APPLICATION FORM This form is Attachment 2. It must be completed and attached to the front of the application. Do not use a cover sheet over the application form.
2. NARRATIVE The narrative should include 3 clear and concise sections:

Section One: Detail the existing physical conditions of the property. Describe the work needed and why it is needed. Include how the property is used or proposed uses once the work is complete. We need to know why the project is important as well as what historic or replacement materials and parts will be altered by the proposed work.

Section Two: Please describe the treatment chosen for this project and the reasoning behind your choice. Treatment choices include preservation, restoration, rehabilitation, or pre-development. If the project is restoration, the written or photographic documentation on which the project is based should be provided.

Section Three: Detail the work to be done on the building or site. Include materials proposed for the project. Also include who is to be doing the work: professional contractor, property owner, volunteers. If the work is to be performed by nonprofessionals, please include their qualifications. If products other than building work will be produced (histories, drawings, etc), please list them. If lead-based paint or asbestos is known to be present or suspected of being present, and the project may disturb these hazardous materials, please note where they exist, by what means their presence is or will be verified, and any plans to avoid, mitigate, or remove the hazard. Please see the FURTHER INFORMATION section at the end of the instructions for more on these hazards.

3. PHOTOGRAPHS Current photographs of the property must be included. Instant print photos (such as Polaroids) are not acceptable. Only clear, good quality photos will be accepted. Photos of the entire building from foundation to chimney – all four sides – must be included. Detailed close-up photos of the project area must also be included. Digital photos may be accepted IF they are printed on photo-quality paper, are of high quality, and are clear. **Do not send photos on disk.** They will not be accepted and your application will be deemed incomplete.

Historic photos must be included for restoration projects.

4. BUDGET A detailed line-item budget must be included. This should include all major work elements and the cost of each. The line-items should equal the total project cost (the

federal grant and the cash match together). The basis for the estimates must be explained. Copies of professional estimates can be used to verify budget figures, but an **itemized budget still must be included**. The source of the cash match should also be explained (personal funds, city funds, other grants, etc.). The applicant may include in the budget the costs for:

- The required (minimum) 16 sq. ft. sign acknowledging assistance from the National Park Service and the State Historical Society of North Dakota. (Exact phrasing required will be included in the contract that is signed with the Society.) This sign must be posted prior to work beginning, and must be visible throughout construction.
- Photos (instant print photos such as Polaroid will not be accepted) of the project after completion. Post-project photos must be submitted in duplicate to the SHSND before work can be approved.
- Architectural or engineering plans
- Cost of a lead-based paint and/or asbestos risk assessment or inspection (if needed)

Miscellaneous or contingency budget categories are not acceptable.

5. TIME LINE A time line showing expected completion dates for each phase of the project is required. Applications selected for funding will be contracted in August 2006. The grant year will be September 1, 2007 - September 30, 2008. Work completed after the September 30, 2008 deadline cannot be paid for. Work may not begin on a project until a contract has been signed with the SHSND.
6. CERTIFICATIONS Two certifications must be completed, signed, and returned with the completed application. They can be found as Attachments 5 and 6 of this document.

DEADLINES

All applications must be received at the State Historical Society of North Dakota Office in Bismarck before 5:00 p.m. on August 3, 2007.

SELECTION CRITERIA

The applications will be reviewed and rated based on four major categories:

- ◆ the quality of the application
- ◆ the need for the development work

- Preference will be given to public buildings
- ◆ the impact on the historic preservation program
- ◆ the project's compliance with the Secretary of the Interior's Standards

Applications that will qualify for the Federal Historic Preservation Tax Incentive Program Applications will be accepted for HPF grants on projects with a total budget no greater than \$125,000 and may only apply for up to 20% of the total project cost. Those with total budgets greater than \$125,000 will be referred to the Federal Historic Preservation Tax Incentive Program.

ADDITIONAL INFORMATION

Successful applicants will be required to sign a contract with the SHSND. This contract will include the agreed-upon budget, time line, and scope of work, plus other requirements specific to the project.

Detailed drawings or plans of proposed work must be submitted to SHSND for approval prior to contract signing.

All work must be approved in advance by the SHSND. On-site inspections of work will be made by SHSND staff to assure compliance with the contract. The owner will be required to make any changes the SHSND requires after inspection **prior to payment**.

If awarded funds, federal and state procurement regulations must be followed to obtain materials or services. See Attachment 7 for a synopsis of these regulations.

A lead-based paint and/or an asbestos inspection or risk assessment may be required by law for your project. A list of qualified inspectors and basic information can be found in Attachment 4. To determine if you will need a lead paint or asbestos inspection and the cost, call one of the inspectors listed and describe the work you plan on doing. More information can be found at the ND Department of Health's Air Quality website at <http://www.health.state.nd.us/AQ/> or call 701-328-5188.

Technical assistance will be provided free of charge by the SHSND staff. The SHSND does not provide professional architectural, archaeological, or engineering services, but will provide assistance in finding professionals to help you.

Upon completion of the project work and before reimbursements can be made, a covenant must be signed by the property owner and the SHSND. The covenant will require property owners to assume the cost of continued maintenance and repair to preserve the integrity of the property for a **minimum** of ten years. For grants of \$10,000 or less, the covenant will be for 10 years; an additional year will added for each \$1,000 of the grant over \$10,000. This document is attached to the property title and does transfer with ownership of the property. (See Attachment 9 for an example of the covenant)

Payment of grant funds will be by reimbursement. Payment will not be made until after project work is

completed and approved by SHSND. Receipts and other appropriate documentation must be submitted along with the reimbursement request.

Completed work must generally be available for public viewing. If the project involves exterior work that **cannot** be seen from a public right of way or work on historic interior features or finishes, the applicant must allow this work to be available for public viewing at least 12 days a year on an equally spaced basis and must publish a notice in the local newspaper announcing days and times for the public viewing. If the project involves only exterior work that is clearly visible from a public right of way, public access to the property is not required. If the project involves interior work on structural or mechanical systems only, no public access is required.

The SHSND reserves the right to reject any and all applications.

Submit applications to: Amy R. Munson
Grants & Contracts Officer
Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505

Phone: (701) 328-3573
Fax: (701) 328-3710
E-mail: amunson@nd.gov

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally Assisted Programs on the basis of race, color, national origin, age or disability. Any person who believes she or he has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U. S. Department of the Interior, National Park Service, P. O. Box 37127, Washington, D.C. 20013-7127.

**Attachments to Historic Preservation Fund
Development Grant Program
Application Guidelines**

Attachment 1 Application Checklist

Attachment 2 Application Form

Attachment 3 Historic Preservation Treatment

Attachment 4 Approved Lead-based paint firms in North Dakota

Attachment 5 Assurances certification

Attachment 6 Debarment, etc. certification

Attachment 7 Federal Procurement Standards



Attachment 8 Past Historic Preservation Grant projects


Attachment 9 Example of a covenant

APPLICATION CHECKLIST

Each application package (you must submit 5 complete packages) submitted must consist of the following pieces arranged in the following order:

- ☐ **Application Form**, completed and signed (Attachment 2)
- ☐ **Narrative** Detailing existing physical condition, historic preservation treatment, and information on the work to be done
- ☐ **Budget**, detailed line item budget with justification
- ☐ **Time Line**, include beginning and ending dates, with checkpoints in between
- ☐ **Assurances for Construction Programs**, completed and signed (Attachment 3)
- ☐ **Certifications Regarding Debarment, Suspension ...** , completed and signed (Attachment 4)
- ☐ **Photographs** of all four sides of the building, plus details of the project area
- ☐ **Historic drawings, photos, or research** should be included for restoration projects

 **Five ⑤ complete copies**
of the application packet must be submitted 

THIS INCLUDES 5 COPIES OF ALL PHOTOS
Photos should be sleeved or attached to each application packet
One copy must have original signatures 

Do not individually sleeve pages
Copies must be collated

APPLICATIONS MUST BE
RECEIVED
BY THE STATE HISTORICAL SOCIETY
BY 5 PM
August 3, 2007

HISTORIC PRESERVATION FUND GRANT APPLICATION FORM

CONTACT PERSON: _____ TITLE: _____

MAILING ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: _____ E-MAIL: _____

NAME & LOCATION OF NATIONAL REGISTER SITE INVOLVED IN PROJECT:

OWNER'S NAME: _____

IS THE PROPERTY MORTGAGED? YES ☐ NO ☐

MORTGAGE HOLDER: _____

PROJECT PERIOD (m/d/y): Beginning date _____ Completion date _____

FEDERAL FUNDS REQUESTED: \$ _____

MATCHING SHARE: \$ _____

TOTAL PROJECT COST \$ _____

SOURCE(S) OF MATCH: _____

I certify that I have read the Society's Historic Preservation Fund Development Grant Guidelines and do understand the terms and conditions relating to the use of HPF grant funds. I understand that I may not proceed with any project work for which reimbursement is expected until I sign a contract with the State Historical Society of North Dakota and receive written notification from the State Historical Society of North Dakota to begin. I also certify that I, or the organization I represent, have sufficient resources to satisfy the proposed matching share.

Applicant Signature_____
Title_____
Date

Return Applications to: Amy R. Munson, Grants & Contracts Officer
Division of Archeology and Historic Preservation
State Historical Society of North Dakota
North Dakota Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Adapted from:
Historic Preservation Treatment

Toward a Common Language

Kay D. Weeks

"Historic Preservation Treatments: Toward a Common Language" originally appeared as a printed article in CRM, Volume 19, No. 1 (1996). Although it has been re-designed as a web product, the content remains the same. Photos: NPS files.

As accessed online at: http://www.cr.nps.gov/hps/tps/common_language_article.htm (May 2, 2006)

Knowing what the consequences of work will be in the planning phase provides the basis for more informed judgments about the irreplaceable material record. What we choose to repair, replace, or demolish ultimately determines how the property is understood by today's and tomorrow's viewers. Signs fall down and interpreters aren't always there. So essentially, the work itself is the explanation.

The four treatment options constitute a clear hierarchical framework.

Thus, the first treatment, Preservation, places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a property's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

Rehabilitation, the second treatment, emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. (Both Preservation and Rehabilitation standards focus attention on the preservation of those materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)

Restoration, the third treatment, focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

Reconstruction, the fourth treatment, establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials. [NOTE: RECONSTRUCTION IS NOT AN ELIGIBLE GRANT EXPENSE]

Key Ideas in the Standards

The following central ideas in the 1995 Standards (36 CFR 68) are shown in juxtaposition, to emphasize the relationship and differences among the four philosophical constructs:

Standards for Preservation

1. Use the property as it was used historically or find a new use that maximizes retention of distinctive features.
2. Preserve the historic character (continuum of property's history).
3. Stabilize, consolidate, and conserve existing historic materials.
4. Replace minimum amount of fabric necessary and in kind (match materials).

Standards for Rehabilitation

1. Use the property as it was used historically or find a new use that requires minimal change to distinctive features.
2. Preserve the historic character (continuum of property's history).
3. Do not make changes that falsify the historical development.
4. Repair deteriorated historic materials and features. Replace a severely deteriorated feature, using to the greatest extent possible, matching new materials.
5. New additions and alterations should not destroy historic materials or character. New work should be visually compatible from the old, yet be differentiated from it, e.g., the form, features, and detailing of the historic building should not be replicated in the new work.

Standards for Restoration

1. Use the property as it was historically or find a new use that reflects the property's restoration period.
 2. Remove features from other periods, but document them first.
 3. Stabilize, consolidate, and conserve features from the restoration period.
 4. Replace a severely deteriorated feature from the restoration period with a matching feature (limited substitute materials may be used).
 5. Replace missing features from the restoration period based on documentation and physical evidence. Do not make changes that mix periods and falsify history to create a "hybrid" building.
 6. Do not execute a design that was never built.
-

For a list of approved lead based paint firms in North Dakota,
please use the following link:

<http://www.health.state.nd.us/AQ/IAQ/LBP/>

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681, 1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already compiled, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of protect consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974(16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

APPLICANT ORGANIZATION

DATE SUBMITTED

U.S. Department of the Interior
Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form for certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -
Primary Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -
Lower Tier Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK _____ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

- A. The grantee certifies that it will or continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such probation;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drugfree workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f),
- B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here.

PART D Certification Regarding Drug-Free Workplace Requirements

CHECK _____ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK ____ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT;
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK ____ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

DATE

FEDERAL PROCUREMENT STANDARDS

This is a brief overview of the required Federal procurement standards.

Selection Procedures

All procurement transactions, without regard to the method of procurement or dollar value, shall be conducted in a manner that provides maximum open and free competition.

Procurement procedures shall not restrict or eliminate competition.

Solicitations of offers, whether by sealed bid or small purchase method, shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not contain features which unduly restrict competition. Solicitations must also set forth all requirements which offer or must fulfill and all other factors in evaluating bids or proposals, such as a deadline for completion of project work.

Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement.

Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Contract awards shall not be made to a contractor who has developed or has drafted bid specifications, requirements, a statement of work or an invitation for bids.

METHOD OF PROCUREMENT

Procurement shall be made by small purchase procedures and competitive sealed bids.

Small Purchased Procedures

Small purchases are simple, informal methods used for the procurement of services, supplies, or other material costing in the aggregate of not more than \$100,000. An adequate number (usually 3) of price or rate quotations shall be obtained from qualified sources to assure competition.

Competitive Sealed Bids (formal advertising)

Sealed bids are publicly solicited. A firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price and most advantageous to the grantee considering price, discounts, transportation costs, taxes, and the Contractor's ability to fulfill the contract.

Procurement through competitive sealed bids shall satisfy all of the following:

1. Invitations for bid shall be publicly advertised 20-30 calendar days prior to the date set for opening of bids.

2. The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.
3. All bids shall be opened publicly at the time and place stated in the invitation for bids.
4. A firm fixed-price contract award shall be made to that responsible bidder whose bid, conforming to the invitation for bids, is lowest.
5. Any and all bids may be rejected when there are sound documented business reasons for doing so. If all bids are rejected as too costly and the scope of work is then substantially altered, the work must be readvertised.
6. The formal advertisement must state that Federal funds are involved and that compliance with all applicable Federal, State, and local laws, rules and regulations is required.

CONTRACT PRICING PROHIBITIONS

A cost-plus-a-percentage-of-cost method of contracting shall not be used when awarding contracts and subagreements with HPF grant funds.

PROCUREMENT RECORDS

Whether formally advertised or negotiated, the grant recipient must provide documents to the Society supporting all procurements involving federal funds. This documentation must include, at a minimum, the names of the persons/firms bidding, the amount of the bids, the person/firm selected, and the reason for the selection.

Historic Preservation Fund Grant projects in North Dakota

This list is intended to provide an idea of the types of projects eligible for grant funding. It is not comprehensive. If you are unsure that your project will qualify for grant funding, please call the State Historical Society for more information.

2005 Projects

City Hall, Grand Forks

South entry facade restoration

Opera House, Lisbon, 1889

Elevator shaft installation

Public Library, Mayville

Exterior entry stone stair restoration

Pembina County Courthouse, Caviler

Architectural planning of elevator

Sheridan County Courthouse, McClusky

Exterior repair of concrete facade

Central High School, Devils Lake

Tuck pointing, resetting and remortaring of stone, stone joints, brick face and brick joints,
power wash entire building

2006 Projects

Dickey County Courthouse, Ellendale

Mural restoration

Ellendale Opera House, Ellendale

Store front rehabilitation

First State Bank of Buxton, Buxton

Tuck pointing

Former Governor's Mansion, Bismarck

Electrical system update

Lisbon Opera House, Lisbon

Tuck pointing

Minot Carnegie Library, Minot

Roof rehabilitation

Example of a COVENANT

This covenant is made the _____ day of _____, 2006 by _____, (hereafter referred to as the "OWNER") and in favor of the State acting through the State Historic Preservation Officer (hereafter referred to as the "SOCIETY") for the purpose of the restoration of a certain Property known as the _____, which is owned in fee-simple by the OWNER and is listed on the National Register of Historic Places.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements and is known as the [name and postal address.] The property is more particularly described as follows: [legal description].

In consideration of the sum of received in grant-in-aid assistance through the SOCIETY from the National Park Service, United States Department of the Interior, the OWNER hereby agrees to the following for a period of ten years (10) years:

1. The OWNER agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places.
2. The OWNER agrees that no visual or structural alterations will be made to the property without prior written permission of the SOCIETY.
3. The OWNER agrees that the SOCIETY, its agents and designees shall have the right to inspect the property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
4. The OWNER agrees to make any changes that are requested in the SOCIETY'S covenant inspection report.
5. The OWNER agrees that if said property is damaged by accidental or natural causes, by negligent or intentional acts of others, or by negligent acts of the OWNER during the covenant, the OWNER agrees to assume the cost and the responsibility of reverting the property to the condition said property was in immediately after the development work was done using Historic Preservation Funds.
6. The OWNER agrees to maintain adequate insurance on said property to allow for reimbursement to the SOCIETY should the property be damaged in the manner described above.
7. The OWNER agrees that when the property is not clearly visible from a public right-of-way or includes interior work assisted with Historic Preservation Fund grants, the property will be open to the public, for the purpose of viewing the grant-assisted work, no less than twelve (12) days a year on an equitably spaced basis and at other times by appointment. Nothing in this covenant will prohibit the OWNER from charging a reasonable, nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.
8. The OWNER agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 (d)), the

Americans with Disabilities Act, and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with State Historical Society of North Dakota.

9. To comply with the Americans with Disabilities Act, and with Section 504 of the Rehabilitation Act, when interior public access is required at least twelve (12) days per year and at other times by appointment, it is not required that a recipient make every part of the property accessible to and useable by disabled persons by means of physical alterations. That is, for public access periods, videos, slide presentations, and/or other audio-visual material and devices should be used to depict otherwise inaccessible areas or features.
10. The OWNER further agrees that when the Property is not open to the public on a continuing basis, and when the improvements assisted with Historic Preservation Fund grants are not visible from the public way, notification will be published in newspapers of general circulation in the community area in which the Property is located giving dates and times when the Property will be open. Documentation of such notice will be furnished annually to the State Historic Preservation Officer of North Dakota during the term of the covenant.
11. This covenant shall be enforceable in specific performance by a court of competent jurisdiction.
12. SEVERABILITY CLAUSE

It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, or provision held to be invalid.